

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

RECEIVED  
CENTRAL FAX CENTER  
AUG 25 2004

In re Application of :  
Brian F. BEATON, et al.

Serial No: 09/738,329

Group Art Unit: 2174

Filed: December 18, 2000

Examiner: CHUONG, Truc T.

For: Graphical User Interface for a Virtual Team Environment

Assistant Commissioner for Patents  
Alexandria, VA 22313-1450

MAIL STOP APPEAL BRIEF -PATENTS

Sir:

**APPELLANT'S BRIEF UNDER 37 C.F.R. § 1.192**

Pursuant to 37 C.F.R. § 1.191, the Applicant submitted a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences on June 25, 2004. Specifically, the Applicant takes appeal from the Examiner's rejection of claims 1-47 under 35 U.S.C. § 103(a). The Notice of Appeal was filed in response to the Examiner's Final Action (paper No. 6) mailed April 26, 2004. Pursuant to 37 C.F.R. § 1.192, the Applicant now submits the following brief.

**1) Real Party in Interest**

The real party of interest is Nortel Networks Limited, by virtue of an assignment executed by the inventors in favour of Nortel Networks Limited recorded at Rec/Frame 011375/0376.

**2) Related Appeals and Interferences**

None.

AMENDMENT UNDER 37 CFR § 1.111  
Serial No. 09/738,294

3) Status of claims

Pursuant to the Final Action (paper No. 6) mailed April 26, 2004, the status of the claims is as follows:

- (a) claims 1-47 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the teaching of United States Patent No. 5,793,365 (Tang et al.) in view of United States Patent No. 5,995,492 (Klein et al.);

4) Status of Amendments

No amendments were submitted in the Applicant's response filed June 25, 2004, to the Final Office Action (paper No. 6) mailed April 26, 2004. Accordingly, the claims remain as amended in the Applicant's response filed on February 2, 2004. A copy of the current claims is provided in the Appendix below.

5) Summary of Invention

The present invention is generally directed to methods and systems for facilitating collaboration among geographically-dispersed team members using a distributed application that provides the virtual team environment. More particularly, the present invention is directed to a Graphical User Interface (GUI) for facilitating collaboration between members of a geographically dispersed team. In accordance with the present invention, the GUI provides means for accessing respective preference and presence information concerning each member of the team maintained by a persistent collaboration services suite. A first graphical display includes a representation of the preference and presence information respecting each of the other members of the team. The GUI also provides means for initiating a selected one of a plurality of types of communications with at least one other member of the team over at least a Switched Telephone Network (STN). Thus the present invention provides each team member with enhanced possibilities for communications within the team. In particular, a team member is made aware of communications devices associated with each team member, and the availability of the team member to be reached using each of those communications devices. The team member can also use the GUI to initiate communications using any of a wide variety of different communications devices associated with another team member. This functionality

AMENDMENT UNDER 37 CFR § 1.111  
Serial No. 09/738,294

extends to communications devices accessible only through the STN, such as the Public Switched Telephone Network (PSTN).

6) Issues

The following issues presented for review by the Board of Patent Appeals and Interferences are as follows:

- (a) Whether the Examiner has properly established *prima facie* obviousness of claims 1-47 based on the combination of Tang et al. and Klein et al.

7) Grouping of Claims

Claims 1-47 are pending in the present application. Of these, claim 1 is the sole independent claim. The issues presented for review can be decided with reference to claim 1.

8) Argument

In order to facilitate review by the Board, the Applicant's arguments are presented in the following order:

- The Examiner's rejection of claims 1-47 under 35 U.S.C. § 103(a)
- Brief description of the cited references
- Has the Examiner established *prima facie* obviousness in respect of claims 1-47

Arguments pertaining to each of these points are presented below under equivalent sub-headings.

(i) The Examiner's rejection of claims 1-47 under 35 U.S.C. § 103(a)

In the Final Office Action (Paper No. 6) mailed on April 26, 2004, the Examiner asserted (at paragraph 4 of the Examiner's detailed action) that:

... Tang does not clearly show in details how each member of the team communicates over at least a Switched Telephone Network. Klien clearly shows a virtual switching point in a public switched telephone (col

AMENDMENT UNDER 37 CFR § 1.111  
Serial No. 09/738,294

17 lines 64-67, col. 18 lines 1-28 and FIG. 1) to switch from one telephone to a different telephone. It would be obvious ... that a person with ordinary skill in the art would want to have KJlein's virtual switching feature in Tang's communication devices in order to have an ultimate implementation when user can manually control virtual switches.

(ii) Brief description of the cited references

United States Patent No. 5,793,365 (Tang et al.) teaches a system and methods which:

"provides each networked computer user with a user interface displaying visual representations of selected other computer users, generally of those workers in the user's workgroup, and further provides communication mechanisms enabling the user to contact any of the displayed workers. The visual representations of the other users are frequently updated to indicate the activity level of these users. These activity level cues help users predict if the other users are likely to be available for an interaction. The user interface also includes a display portion and mechanism for storing data files and the like so that all workgroup members may accumulate a set of data files commonly used by the workgroup, and may transfer files in this manner to other workgroup members. The data files may be stored in association with specific interactive discussion windows, known as chat rooms, or directly in the user interface." (Abstract)

Thus Tang et al. provides a user interface which displays presence, availability and activity information for each member of a user's workgroup, and facilitates various types of communication between workgroup members. Collaboration between the networked users is facilitated by a communications server 80 (See Tang et al., FIG. 11) which enables a user to initiate and participate in communications sessions with each networked person in the user's contact list. Thus:

AMENDMENT UNDER 37 CFR § 1.111  
Serial No. 09/738,294

"A communications server 80 handles communication services between the user's computer 101 and other computers 101 on the network. The communication server 80 has interfaces to various communication applications, such as a video conference server 81, an audio conference server 83, an email application 85, and a text chat application 87. The applications may be conventionally provided as part of the communication infrastructure of the system 100. A suitable communications server 80 and supporting applications is Sun Microsystems ShowMe.<sup>TM</sup>, desktop conferencing system, including ShowMe Video.<sup>TM</sup> and ShowMe Audio.<sup>TM</sup>" (Col. 12, ln. 61 - col 13, ln.4)

However, Tang et al do not teach or suggest that the system can support communication sessions that are not mediated by their PC. More particularly, Tang et al do not teach or suggest that the system can support communications over a switched telephone network (STN) such as, for example, the Public Switched Telephone Network (PSTN). Tang et al provide no teaching that initiation of a communication session over an STN is even possible, much less how it may be accomplished. In fact, Tang et al. teach directly away from such functionality by providing a PC network capable of mediating a plurality of different types of communication, including voice communications. Tang et al do not even attempt to solve the problem of facilitating "regular" telephone communications through the PSTN.

United States Patent No. 5,995,492 (Klein et al.) teaches a "digital communication system, which may be a Time Domain Multiple Access system, which uses plural antenna to reduce problems associated with fading, interference and multipath in signals received from mobile, wireless units. The protocol used between the fixed station and the mobile, wireless units provides an opportunity for the fixed station to evaluate the signal received from the wireless unit and to transmit to the wireless unit using the antenna judged to have the best received signal." (Abstract)

Thus Klien et al are primarily directed to solving the problem of poor wireless communications in severe multipath environments (such as within a building). Klien et al's

AMENDMENT UNDER 37 CFR § 1.111  
Serial No. 09/738,294

solution is to provide a digital communications network with multiple fixed "base stations", each of which includes an antenna coupled to evaluation and selection means. Each base station is coupled to a conventional switch of the telephone network through a Base Station Interface Unit (BSIU). With this arrangement, the base station judged to have the best reception from any particular portable telephone is selected to transmit signals to that telephone. At col 17, line 64 - col. 18, line 28, Klien et al describe an embodiment in which a "portable telephone [22] includes a display which can be programmed from the switch [10] (through the base station) to customize features for the various telephones within a system." (Col 18, lines 64-67). As is clearly described at col. 18 lines 1-28, this capability can be used to customize the display on each mobile telephone.

Klein et al are completely silent with respect to obtaining presence and availability information respecting users of the communication system. Furthermore, applicant can find nothing in the teaching of Klien et al that relates to either "virtual switching points" or switching "from one telephone to a different telephone", as suggested by the Examiner.

(iii) Has the Examiner established *prima facie* obviousness of claims 1-47

Applicant respectfully submits that the Examiner has not established *prima facie* obviousness of claim 1, and, by extension, dependent claims 2-47. MPEP. § 703.02(j) sets out three criteria that must be met by the Examiner in order to establish a *prima facie* case of obviousness.

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings."

"Second, there must be a reasonable expectation of success."

"Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."

AMENDMENT UNDER 37 CFR § 1.111  
Serial No. 09/738,294

It is submitted that that the Examiner has not met these criteria, and thus has not established *prima facie* obviousness of claim 1 (and, by extension, dependent claims 2-47).

With reference to the first criterion, there is no suggestion or motivation, in either Tang et al or Klien et al themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the Tang et al reference using the teaching of Klien et al or to otherwise combine the teachings of Tang et al and Klien et al in the manner suggested by the Examiner.

After extensive reviews of both references, Applicant has been able to discover exactly one point of concordance between the Tang et al and Klien et al references; namely, they both relate to digital communications. However, within the context of digital communications Tang et al and Klien et al are directed to radically different problems, and propose entirely different solutions. As noted above, Tang et al provide a user interface which displays presence, availability and activity information for other PC-based members of the workgroup, and which enables a user to initiate PC-mediated communications with another such PC-based workgroup member. Klien et al teach a digital communication system in which portable telephones include programmable displays. There does not appear to be any reason for these systems to interact, there is no apparent benefit to be obtained by such combination, and neither reference provides any motivation for doing so.

With respect to the third criterion, it is submitted that the cited references, taken alone or in combination, do not teach or suggest all of the limitations of claim 1. In particular, adding the system of Klien et al to that of Tang et al results in a digital (IP) network-based system for PC-based team collaboration as per Tang et al, in which users' portable telephones have programmable displays as per Klien et al. None of this reads onto the claimed feature of "means for initiating a selected one of a plurality of types of communications with at least one other member of the team over at least a Switched Telephone Network (STN)" as required by claim 1.

Finally, it is well established that:

AMENDMENT UNDER 37 CFR § 1.111  
Serial No. 09/738,294

"To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references."  
*Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

It is submitted that the Examiner has not even attempted to meet this requirement. In particular, while the Examiner has asserted that it would be obvious to combine Tang et al and Klien et al, the Examiner has not attempted to show any relationship between his purported combination and the present invention. As mentioned above, the Examiner has asserted that his combination would provide "... an ultimate implementation when user can manually control virtual switches". However, this object is utterly irrelevant to the present invention. As discussed above, the present invention provides a graphical user interface for facilitating collaboration between members of a team, which includes a "means for initiating a selected one of a plurality of types of communications with at least one other member of the team over at least a Switched Telephone Network (STN)". The present invention is not concerned with "virtual switches" in portable telephones, and does not attempt to provide users with manual control of such switches. Thus the Examiner has not attempted to present any line of reasoning (convincing or otherwise) as to how the present invention, as defined in claim 1 is rendered obvious by his combination of references.

In light of the foregoing, it is submitted that the Examiner has failed to established *prima facie* obviousness of claims 1-47 in light of the combination of Tang et al and Klien et al.



AMENDMENT UNDER 37 CFR § 1.111  
Serial No. 09/738,294

9) Appendix

Claims involved in the Appeal

1. (Previously Amended) A Graphical User Interface (GUI) adapted to facilitate collaboration between a team member and other members of a geographically dispersed team, the GUI comprising:  
  
means for accessing respective preference and presence information concerning each member of the team maintained by a persistent collaboration services suite;  
  
a first graphical display including a representation of the preference and presence information respecting each of the other members of the team; and  
  
means for initiating a selected one of a plurality of types of communications with at least one other member of the team over at least a Switched Telephone Network (STN).
2. (Original) A GUI as claimed in claim 1, wherein the types of communications comprise: 1-way messaging; 2-way messaging; voice; and multi-media.
3. (Original) A GUI as claimed in claim 1, wherein 1-way messaging comprises one or more of paging, and e-mail.
4. (Original) A GUI as claimed in claim 1, wherein 2-way messaging comprises instant messaging (IM).
5. (Original) A GUI as claimed in claim 1, wherein multi-media communications comprises one or more of: document sharing; application sharing; 1-way video conferencing; and 2-way video conferencing.
6. (Previously Amended) A GUI as claimed in claim 1, further comprising means for enabling the team member to interact with the persistent collaboration services suite to update at least the preference information respecting the team member.

AMENDMENT UNDER 37 CFR § 1.111  
Serial No. 09/738,294

7. (Original) A GUI as claimed in claim 6, wherein the preference information comprises information identifying a communications device selected by the team member as a preferred communications device for participation in the respective one of the plurality of types of communications.
8. (Original) A GUI as claimed in claim 6, wherein the preference information comprises an indication that the team member does not wish to participate in the respective one of the plurality of types of communications.
9. (Original) A GUI as claimed in claim 1, wherein an instance of the GUI is implemented for each member of the team, and the representation of the preference and presence information respecting each member of the team is substantially identical in each instance of the GUI.
10. (Original) A GUI as claimed in claim 1, wherein the preference and presence information is indicative of an ability of each team member to participate in each one of the plurality of types of communications.
11. (Original) A GUI as claimed in claim 10, wherein the first graphical display comprises one or more icons representing the preference and presence information concerning a respective team member.
12. (Original) A GUI as claimed in claim 11, wherein each icon is a composite icon comprising one or more of:  
  
a communications type icon element representing a respective one of the plurality of types of communications; and  
  
a presence icon element representing a current activity of the respective team member.
13. (Original) A GUI as claimed in claim 12, wherein the communications type icon element is further representative of preference information indicative of preferences of the respective team member for participation in the respective one of the plurality of types of communications.

AMENDMENT UNDER 37 CFR § 1.111  
Serial No. 09/738,294

14. (Original) A GUI as claimed in claim 13, wherein the preference information is defined by the respective team member.
15. (Original) A GUI as claimed in claim 14, wherein the preference information comprises information identifying a communications device selected by the respective team member as a preferred communications device for participation in the respective one of the plurality of types of communications.
16. (Original) A GUI as claimed in claim 14, wherein the preference information comprises an indication that the respective team member does not wish to participate in the respective one of the plurality of types of communications.
17. (Original) A GUI as claimed in claim 12, wherein the presence icon element is selected on a basis of presence information indicative of the activity of the respective team member.
18. (Previously Amended) A GUI as claimed in claim 17, wherein the presence information is automatically acquired by the persistent collaboration services suite.
19. (Previously Amended) A GUI as claimed in claim 18, wherein the persistent collaboration services suite is adapted to acquire the presence information by detecting an operational status of a communications device selected by the respective team member as a preferred communications device for participation in the respective one of the plurality of types of communications.
20. (Previously Amended) A GUI as claimed in claim 19, wherein the operational status comprises one of:
  - an In-Use status indicating that the preferred communications device has been used within a first predetermined period;
  - an Idle status indicating that the preferred communications device has not been used within a second predetermined period; and

AMENDMENT UNDER 37 CFR § 1.111  
Serial No. 09/738,294

an inaccessible status indicating that the collaboration services suite is unable to detect the operational status of the preferred communications device.

21. (Original) A GUI as claimed in claim 11, wherein the means for initiating a selected one of the plurality of types of communications is responsive to selection of an icon to initiate the respective type of communications represented by the communications type icon element.
22. (Original) A GUI as claimed in claim 1, further comprising a second graphical display including session information respecting one or more active communications sessions between members of the team.
23. (Original) A GUI as claimed in claim 22, wherein the session information comprises any one or more of:
  - a session type of the active communications session; and
  - a participant list identifying each team member participating in the active communications session.
24. (Original) A GUI as claimed in claim 23, wherein the session type of the active communications sessions comprises any one of: text, voice and multi-media.
25. (Original) A GUI as claimed in claim 23, wherein the second graphical display comprises a session icon representing the session type of the active communications session.
26. (Original) A GUI as claimed in claim 25, wherein the session icon is selected from a library of icons comprising at least one icon for each of text, voice and multi-media.
27. (Original) A GUI as claimed in claim 25, wherein the GUI is adapted to enable the team member to join an active communications session using the respective session icon.

AMENDMENT UNDER 37 CFR § 1.111  
Serial No. 09/738,294

28. (Original) A GUI as claimed in claim 1, wherein the GUI further comprises a third graphical display including one or more team bulletins.
29. (Original) A GUI as claimed in claim 28, wherein the third graphical display comprises any one or more of:  
information concerning each team bulletin;  
means enabling the team member to edit a team bulletin; and  
means enabling the team member to post a new team bulletin.
30. (Previously Amended) A GUI as claimed in claim 29, wherein further comprising means for forwarding each one of posted and edited team bulletins to the collaboration services suite.
31. (Original) A GUI as claimed in claim 1, wherein the GUI further comprises a fourth graphical display representing a communications session between the team member and one or more other parties to the communications session.
32. (Original) A GUI as claimed in claim 31, wherein the one or more other parties to the communications session comprises at least one other member of the team.
33. (Original) A GUI as claimed in claim 31, wherein the one or more other parties to the communications session comprises at least one person who is not a member of the team.
34. (Original) A GUI as claimed in claim 31, wherein the communications session comprises an exchange of any one or more of: text, voice and multi-media data content between the parties to the communications session.
35. (Original) A GUI as claimed in claim 31, wherein the fourth graphical display comprises session information comprising any one or more of:  
a session identifier;

AMENDMENT UNDER 37 CFR § 1.111  
Serial No. 09/738,294

text information of a session topic;

information identifying an initiating team member who initiated the communications session;

information concerning each party to the communications session;

a session start time;

text information of at least one session note;

information concerning a document shared between parties in the communications session.

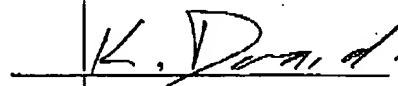
36. (Original) A GUI as claimed in claim 35, wherein the session topic is defined by an initiating team member who initiated the communications session.
37. (Original) A GUI as claimed in claim 35, wherein the GUI is adapted to enable the user to change the text information of at least one session note during the communications session.
38. (Original) A GUI as claimed in claim 37, wherein GUI is adapted to enable the user to change the text information of at least one session note by either one or both of: editing an existing session note and adding a new session note.
39. (Original) A GUI as claimed in claim 37, wherein a change in the text information of at least one session note effected by the user is replicated to each of the parties to the communications session.
40. (Original) A GUI as claimed in claim 35, wherein the information identifying a shared document comprises any one or more of:
  - a document ID identifying the shared document;
  - an address identifying a location of the shared document; and
  - a web-link enabling the user to access the shared document through a network.

AMENDMENT UNDER 37 CFR § 1.111  
Serial No. 09/738,294

41. (Original) A GUI as claimed in claim 35, wherein the communications session comprises an exchange of multi-media data content, and the session information further comprises information concerning real-time events exchanged during the communications session.
42. (Original) A GUI as claimed in claim 31, wherein the GUI is adapted to enable the user to invite a new party to join the communications session.
43. (Original) A GUI as claimed in claim 42, wherein the new party is another member of the team, and the GUI is adapted to enable the team member to send an invitation to the new party using the respective information concerning the new member contained in the first graphical display.
44. (Original) A GUI as claimed in claim 42, wherein the new party is not another member of the team, and the GUI is adapted to enable the team member to send an invitation to the new party using contact information concerning the new party.
45. (Original) A GUI as claimed in claim 44, wherein the contact information concerning the new party is provided by the team member.
46. (Original) A GUI as claimed in claim 44, wherein the contact information concerning the new party is contained in a contact directory accessible by the team member.
47. (Original) A GUI as claimed in claim 46, wherein the contact directory comprises any one or more of:
  - a personal contact directory maintained by the team member;
  - an enterprise directory maintained by an enterprise; and
  - a public directory.

If any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this brief, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 19-5113.

Respectfully submitted,



By: Kent Daniels  
Reg. No. 44,206  
Attorney for the Applicants

Date: August 25, 2004

Ogilvy Renault  
Suite 1600  
1981 McGill College Avenue  
Montreal, Quebec  
Canada, H3A 2Y3  
Tel: (613) 780 8673

BEST AVAILABLE COPY